

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

UNITED STATES OF AMERICA

v.

MARKO NIKOLIC

Case No.: 1:20-cr-00750

Honorable Mag. Judge Susan B. Cox

MOTION TO RECONSIDER DETENTION

Now Comes the Defendant MARKO NIKOLIC by and through his attorney MICHAEL D. KREJCI hereby requests this Honorable Court to reconsider detention. In support thereof Defendant submits the following:

1. A detention hearing was held on October 29, 2020 before this Honorable Court. The Court granted the Government's Motion based on a serious risk of flight. (See Court Order.)
2. During the detention hearing the Government had proffered evidence indicating that the Defendant was untruthful to Pretrial Services when he indicated that he previously resided at the address of 13791 NW 19th Ave., Unit 8, Opa-locka, Florida. The Government introduced into evidence photographs of a building that actually was adjacent to this address.
3. Due to the fact that the undersigned attorney appearing telephonically at the hearing he could not communicate directly with his client regarding these specific allegations and the defense offered no evidence to rebut them. Consequently, the Court entered a finding that he had been dishonest with Pretrial Services and stated that was a factor against him in her decision to grant the Government's oral motion for detention.

4. After the hearing, the undersigned attorney spoke to the Defendant and was informed that there was in fact a furnished apartment located inside that industrial complex at that specific address¹.
5. Steven Knight an attorney from my office went to this residence on October 31, 2020 and met with Marko Nikolic's landlord, Jeff Sarkin. Steven Knight was allowed access to Unit 8 and took photographs of the apartment and mail that had been recently sent to the Defendant at that same address. Accordingly, this additional evidence now submitted clearly rebuts any implications that the Defendant had lied about his residence to Pretrial. (See Group Exhibits 1 and Affidavit of Attorney Steven Knight.)
6. Moreover, in order to rebut the risk of flight, on December 3, 2020 the Defendant submitted a certified appraisal and supporting documents to the Government by a family friend who is willing to post his single-family residence with equity of \$50,000.00 to ensure his appearance in court.
7. In addition, the Defendant has offered the services of Mr. Baba O'Neal who would allow him to reside at his residence located at 2801 North Ardmore Avenue, Unit 3B in Chicago, Illinois and become his third-party custodian to ensure his appearance in court.
8. Pretrial Services in its original report indicates that it recommended the Defendant's release if the Defendant could provide a suitable third-party custodian or a surety to post property or bail to secure his release.

¹ The photographs originally submitted by the Government were actually photographs of a building across from that address.

9. The Defendant has now provided this Honorable Court with a suitable third-party custodian who will allow the Defendant to reside with him at his residence and has agreed to monitor the Defendant's whereabouts. The Defendant has also provided a surety who is willing to post his single-family residence to secure his release.

ACCORDINGLY, these new factors brought forth clearly mitigate the allegations that the Defendant is a serious risk of flight and therefore he should be released in accordance with Pretrial Services recommendations.

Respectfully submitted,

/s/Michael D. Krejci
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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that in accordance with Fed. R. Civ. P. 5., LR 5.5 and the General Order on Electronic Case Filing (ECF), this document and the following:

MOTION TO RESCONDER DETENTION

was served pursuant to the district court's ECF system as to ECF filers on December 10, 2020.

Respectfully submitted,

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